

## Message Text

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PAGE 01 TOKYO 03658 160635Z  
ACTION EB-08

INFO OCT-01 EA-09 ISO-00 EUR-12 JUSE-00 SP-02 USIA-15  
AID-05 NSC-05 TRSE-00 SS-15 STR-04 OMB-01 CEA-01 L-03  
FTC-01 CIAE-00 INR-07 NSAE-00 PRS-01 /090 W  
-----161425Z 053045 /47

R 160608Z MAR 77  
FM AMEMBASSY TOKYO  
TO SECSTATE WASHDC 6166  
AMEMBASSY BONN  
INFO USDOC WASHDC

UNCLAS TOKYO 3658

E.O. 11652: N/A  
TAGS: BEXP, JA  
SUBJECT: DEPARTMENT OF JUSTICE ANTITRUST COOPERATION AGREEMENT AND  
INVESTIGATION OF LICENSING AGREEMENTS

REF: STATE 297160

1. AMERICAN CHAMBER IN JAPAN (ACCJ) ASKED EMBASSY FOR  
CLARIFICATION ABOUT TWO REPORTED ACTIONS BY JUSTICE DEPART-  
MENT. WE WOULD APPRECIATE DEPARTMENT'S COMMENTS ON FOLLOW-  
ING TWO SUBJECTS RAISED BY ACCJ.

2. ACCJ EXPRESSED CONCERN OVER PRESS REPORTS OF PROPOSED  
AGREEMENT BETWEEN JUSTICE DEPARTMENT AND GOJ FOR EXCHANGE  
OF INFORMATION THAT WOULD REPORTEDLY CONTROL THE EXCESSES  
OF MNC'S. AN ARTICLE APPEARING IN FEBRUARY 28 ISSUE OF  
JOURNAL OF COMMERCE, INTERNATIONAL EDITION, REPORTED  
"THE TWO COUNTRIES ARE LIKELY TO JOIN THEIR EFFORTS AND  
POSSIBLY PRODUCE TIGHTER RESTRICTIONS ON BUSINESS OPERA-  
TIONS ON A WORLD SCALE". WE TRIED TO REASSURE ACCJ  
THAT THERE WAS NO OMINOUS INTENT IN PROPOSED AGREEMENT  
WHICH WOULD BE SIMILAR TO THAT BETWEEN US AND FRG;  
WE TOLD THEM SUBSTANCE OF AGREEMENT AND THAT DIS-  
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CUSSIONS ARE ONLY AT PRELIMINARY STAGE. ACCJ THEN

ASKED HOW THE AGREEMENT WITH THE FRG HAS WORKED OUT.  
TO ANSWER THAT QUESTION WE WOULD APPRECIATE KNOWING  
WHAT JUSTICE DEPARTMENT EXPERIENCE HAS BEEN WITH  
EXCHANGE OF INFORMATION UNDER THE AGREEMENT; IF SO,  
CAN THE DEPARTMENT PROVIDE SOME INFORMATION ON THE

TYPES OF CASES INVOLVED. WE WOULD APPRECIATE  
HEARING FROM BONN WHAT HAS BEEN REACTION OF US  
BUSINESS COMMUNITY IN GERMANY TO THE AGREEMENT.

3. ACCJ ALSO SAID JUSTICE DEPARTMENT HAD BEGUN TO  
INVESTIGATE LICENSING AGREEMENTS BETWEEN U.S. AND  
FOREIGN COMPANIES TO DETERMINE WHETHER THE AGREE-  
MENTS CONTAIN PROVISIONS THAT ARE IN RESTRAINT OF  
TRADE. WE WOULD APPRECIATE DEPARTMENT ADVISING  
WHETHER SUCH INVESTIGATIONS HAVE TAKEN PLACE AND  
WHETHER THEY INVOLVE ANY AMERICAN COMPANIES WITH  
LICENSING AGREEMENTS IN JAPAN.  
BUTTON

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NNN

## Message Attributes

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**Review Markings:**  
Margaret P. Grafeld  
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